

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:24-cv-00132
GOCHA ALLEN RAMIREZ,) (
ALEXANDRIA LYNN BARRERA,) (
RENE FUENTES, and STARR) (
COUNTY, TEXAS) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
RAFAEL AGUIRRE
MAY 1, 2025

ORAL AND VIDEOTAPED DEPOSITION OF RAFAEL AGUIRRE, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MAY 1, 2025, between the hours of 10:02 a.m. and 3:33 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

BRYANT & STINGLEY, INC.
Harlingen (956) 428-0755 McAllen (956) 618-2366

11:22 1 correct?

11:22 2 A. Okay.

11:22 3 Q. Do you know Ms. Gonzalez?

11:22 4 A. Other than the case, no.

11:22 5 Q. Do you know any of Ms. Gonzalez's family
11:22 6 members?

11:22 7 A. No.

11:22 8 Q. Do you know Ismael Herrera?

11:22 9 A. No.

11:22 10 Q. What was your involvement in Ms. Gonzalez's
11:22 11 case?

11:22 12 A. I assisted Investigator Muniz on the case.

11:23 13 Q. And what did that assistance look like?

11:23 14 A. It consisted of sitting in with her doing
11:23 15 interviews.

11:23 16 Q. You didn't sit in on all the interviews, right?

11:23 17 A. No, I did not.

11:23 18 Q. Why is that?

11:23 19 A. I don't remember why.

11:23 20 Q. What was your role compared to Investigator
11:23 21 Muniz on the case?

11:23 22 A. I was the -- I was an assistant investigator.

11:23 23 Q. And is it fair to call her the lead
11:23 24 investigator?

11:23 25 A. Yes.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

11:23 1 Q. But you were still her supervisor at the time,
11:23 2 right?

11:23 3 A. Yes.

11:23 4 Q. So who -- who was making the decisions between
11:23 5 the two of y'all?

11:23 6 A. The lead investigator, Muniz.

11:24 7 Q. But she would ask you questions?

11:24 8 A. It would be discussed. It would be -- we were
11:24 9 aware of what was going on.

11:24 10 Q. How did the sheriff's office investigation into
11:24 11 Ms. Gonzalez begin?

11:24 12 A. It began with the report from the hospital, I
11:24 13 believe.

11:24 14 Q. Can you tell me about that?

11:24 15 A. That's all I know. It was a report from the
11:24 16 hospital.

11:24 17 Q. Who from the hospital reported the case?

11:24 18 A. I don't know who specific.

11:24 19 Q. Did you interview Ms. Torres, Martha Torres?

11:24 20 A. Yes, I did.

11:24 21 Q. Did she make the report from the hospital?

11:24 22 A. I don't know. I don't know if it was her or
11:24 23 not.

11:24 24 Q. Who did you learn about the case from first?

11:25 25 A. I cannot remember. It's -- it happened during

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

11:25 1 the day, so I don't know who specifically said that
11:25 2 there was a case at the hospital.

11:25 3 Q. Do you know what -- was it in the morning or
11:25 4 the afternoon?

11:25 5 A. I don't recall.

11:25 6 Q. Investigator Ranell Rosa from the sheriff's
11:25 7 office first spoke to Martha Torres, correct?

11:25 8 A. I wouldn't know.

11:25 9 Q. Did you talk to Mr. Rosa about this case?

11:25 10 A. I'm pretty sure I did.

11:25 11 Q. And why are you pretty sure?

11:25 12 A. Because he was there. We were all there during
11:25 13 that time. It was a weekday, I think, and we were all
11:26 14 working.

11:26 15 Q. Inside the sheriff's office?

11:26 16 A. Yes.

11:26 17 Q. So did you first learn about it from a patrol
11:26 18 report or from someone else?

11:26 19 A. I don't recall specifically.

11:26 20 MS. HARRIS: Can I have Plaintiff's
11:26 21 Exhibit 6, please.

11:26 22 Q. So this has been previously marked as
11:27 23 Plaintiff's Exhibit 6. Do you recognize this document?

11:27 24 A. Yes.

11:27 25 Q. What is it?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

14:43 1 an arrest warrant?

14:43 2 A. I don't remember anything like that.

14:43 3 Q. Was there -- so were you aware of when

14:44 4 Ms. Gonzalez was arrested?

14:44 5 A. Yes, I was.

14:44 6 Q. And what were you aware of?

14:44 7 A. That I was part of the arrest team.

14:44 8 Q. Can you tell me about that.

14:44 9 A. I believe that the arrest was effected at a
14:44 10 parking lot, and that's about how much -- how much I
14:44 11 can remember.

14:44 12 Q. What was that parking lot?

14:44 13 A. I think it was Hospital Road in Rio Grande.

14:45 14 Q. And how did you know Ms. Gonzalez would be
14:45 15 there?

14:45 16 A. I do not recall the details, but I think the
14:45 17 vehicle, her vehicle.

14:45 18 Q. So you -- you recognized her vehicle?

14:45 19 A. It should be somewhere in the arrest report. I
14:45 20 don't recall specific -- I know that I was there, and
14:45 21 she was taken into custody. But specific as to how we
14:45 22 got there, I don't -- I don't remember.

14:45 23 Q. And do -- are arrest reports always made after
14:45 24 an arrest?

14:45 25 A. Yes.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:14 1 captain about this case?

15:14 2 A. More than likely, yes.

15:14 3 Q. And did you ever text Sheriff Fuentes about
15:14 4 this case?

15:14 5 A. No, ma'am. I would have no reason to text the
15:14 6 sheriff about this case.

15:14 7 Q. Have you ever spoken to the district attorney
15:15 8 about this case?

15:15 9 A. Not me specifically, no.

15:15 10 Q. Do you know anyone else who has spoken to the
15:15 11 district attorney about this case?

15:15 12 A. I wouldn't know, ma'am.

15:15 13 MS. HARRIS: Okay. I don't have anything
15:15 14 else. I think we can pass the witness.

15:15 15 MS. ALBIN: Okay.

15:15 16 EXAMINATION

15:15 17 BY MS. ALBIN:

15:15 18 Q. Investigator Aguirre, have you ever gotten a
15:15 19 report of a death of an individual and decided not to
15:15 20 investigate?

15:15 21 A. Yes.

15:15 22 Q. When was that?

15:15 23 A. It's in certain cases where we know -- not that
15:15 24 we know, but we have reason to believe it will be
15:15 25 natural cause. Deaths like elderly.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:17 1 Q. Did the sheriff ever call and tell you to take
15:17 2 any actions in this case?

15:17 3 A. No, he did not.

15:17 4 Q. Did he ever e-mail you or send you any kind of
15:17 5 message or communication directing you on how to
15:17 6 investigate this case?

15:17 7 A. No, he did not.

15:17 8 Q. Did the sheriff sit in on any interviews that
15:17 9 you're aware of?

15:17 10 A. No.

15:17 11 Q. And I think you testified that you've never
15:17 12 talked to DA Ramirez about the case, correct?

15:17 13 A. I didn't.

15:17 14 Q. I'm sorry?

15:17 15 A. I didn't.

15:17 16 Q. You did not talk to him about this case?

15:17 17 A. I did not talk to Mr. Ramirez.

15:17 18 Q. Did DA Ramirez come to the hospital when you
15:17 19 were doing those initial interviews?

15:17 20 A. No, he did not.

15:17 21 Q. What about ADA Barrera? Was she there?

15:17 22 A. No, she was not there.

15:17 23 Q. All right. Was it just investigators who were
15:17 24 there at the hospital initially?

15:17 25 A. It was myself and Captain Fuentes.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:17 1 Q. All right. And was there ever an interview
15:18 2 that ADA Barrera sat in on with you?

15:18 3 A. No.

15:18 4 Q. What about DA Ramirez?

15:18 5 A. No.

15:18 6 Q. Did the sheriff ever reach out and communicate
15:18 7 in some way to you that you had to investigate this
15:18 8 case?

15:18 9 A. No, they did not.

15:18 10 Q. Did the district attorney ever communicate to
15:18 11 you in some way that you needed to investigate this
15:18 12 case?

15:18 13 A. No, he did not.

15:18 14 Q. And what about ADA Barrera?

15:18 15 A. To a certain extent. Not to tell us to
15:18 16 investigate, but like assisting us with questions that
15:18 17 we asked her.

15:18 18 Q. All right. And those questions that you asked
15:18 19 her were about the change in the law and what you
15:18 20 should do in light of that, correct?

15:18 21 A. It was presenting to her the facts of what
15:18 22 happened and how to proceed.

15:18 23 Q. Okay. Did ADA Barrera tell you that she wanted
15:19 24 you to conduct the investigation in a particular way?

15:19 25 A. No, she would not tell us that.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:19 1 Q. Why wouldn't she tell you that?

15:19 2 A. Because she's not in our chain of command.

15:19 3 Q. That's not her job to do that, is it?

15:19 4 A. No, that's not her job.

15:19 5 Q. And she didn't do that in this case, did she?

15:19 6 A. No, she did not.

15:19 7 Q. And what about the DA? Did he direct you to
15:19 8 investigate the case in a particular manner?

15:19 9 A. No. No, he did not.

15:19 10 Q. Based on the information that you gathered, and
15:19 11 we've looked at some of those summaries today, did you
15:19 12 conclude at any point that Ms. Herrera had
15:19 13 intentionally caused the death of an individual?

15:19 14 A. Yes.

15:19 15 Q. You were asked some questions about Exhibit 40
15:19 16 several times today. This is the investigative report
15:19 17 that you prepared. And have you prepared these as a
15:20 18 lead investigator?

15:20 19 A. No. This was a supplement report.

15:20 20 Q. Exhibit 40 was a supplement report. But have
15:20 21 you prepared an investigative report where you were
15:20 22 the -- created the lead?

15:20 23 A. In my cases, yes.

15:20 24 Q. All right. And does the district attorney --
15:20 25 District Attorney Ramirez specifically, does he tell

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:20 1 you what offense to put in that box where we see
15:20 2 "murder" on Exhibit 40?

15:20 3 A. No. No, they do not.

15:20 4 Q. All right. What about ADA Barrera?

15:20 5 A. No.

15:20 6 Q. How about Sheriff Fuentes? Does he tell you
15:20 7 what offense to put in the investigative report?

15:20 8 A. No, he does not.

15:20 9 Q. Prior to this, had you ever investigated a case
15:20 10 that involved the death of an unborn child?

15:20 11 A. No.

15:20 12 Q. And since this case, have you ever investigated
15:20 13 the death of an unborn child?

15:20 14 A. No, I have not.

15:20 15 Q. And based on your time in the sheriff's office,
15:21 16 do you think that the sheriff has a policy of requiring
15:21 17 investigators to look into abortion cases?

15:21 18 A. I'm not aware of any policy.

15:21 19 Q. And you've never been directed to go
15:21 20 investigate and look for abortion cases, have you?

15:21 21 A. No, ma'am.

15:21 22 Q. Do you know of any agreement with the Starr
15:21 23 County Memorial Hospital and the sheriff's office
15:21 24 requiring investigators to look into reported
15:21 25 abortions?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:21 1 A. I'm not aware of any policy.

15:21 2 Q. And you've never been sent out to the hospital
15:21 3 on any other case to investigate an abortion besides
15:21 4 Ms. Herrera's case, correct?

15:21 5 A. No, I have not.

15:21 6 Q. You talked about in some cases that are
15:21 7 straightforward it goes -- the investigators go
15:21 8 straight to an arrest rather than having the grand jury
15:21 9 look at the case. Do you recall that?

15:22 10 A. Yes, I testified to that.

15:22 11 Q. And is the grand jury review an additional
15:22 12 precaution for cases that are less straightforward?

15:22 13 A. Yes.

15:22 14 Q. So isn't it true that in this case,
15:22 15 Ms. Herrera's case had that additional precautionary
15:22 16 step of being reviewed by a grand jury?

15:22 17 A. Yes.

15:22 18 Q. You mentioned earlier that you have attended
15:22 19 some college and I think studied the law a little bit.
15:22 20 Have you gone to law school?

15:22 21 A. I have not.

15:22 22 Q. And those classes that were about the law, how
15:22 23 long ago did you take those?

15:22 24 A. I do not remember.

15:22 25 Q. What was the focus the -- let me ask this: Was

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:22 1 there any particular aspect of the law that you were
15:23 2 studying for college?

15:23 3 A. No, I don't -- I don't remember. It was a long
15:23 4 time ago.

15:23 5 Q. Okay. Looking at Exhibit 40 again, it's got
15:23 6 Ms. Herrera's name, date of birth, and an address on
15:23 7 here. Do you see that?

15:23 8 A. Yes, it does.

15:23 9 Q. All right. And also above that, it says
15:23 10 "victim." Do you see that?

15:23 11 A. Yes, I do.

15:23 12 Q. And was Jasiel Herrera Ms. Herrera's son?

15:23 13 A. That was the name of the -- of the unborn
15:23 14 child.

15:23 15 Q. All right. And they were able to determine
15:23 16 that it was a boy, correct?

15:23 17 A. Yes.

15:23 18 Q. All right. The address here, 30 Robin Lane,
15:23 19 Falcon Heights, are you familiar with that address?

15:23 20 A. Only if it's written here. I do not know
15:23 21 exactly where it is.

15:23 22 Q. Okay. And did you ever come to learn in the
15:23 23 investigation that that was the location where
15:24 24 Ms. Herrera consumed the drugs that caused the death of
15:24 25 an individual?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:24 1 A. I do not recall specifically. I don't know --
15:24 2 I think it was Ms. Muniz that would have determined
15:24 3 that, not me.

15:24 4 Q. Did you have an idea about whether she used the
15:24 5 drugs that caused the death of an individual at the
15:24 6 hospital or somewhere else?

15:24 7 A. Oh, somewhere else.

15:24 8 Q. All right. And could that have been her home?

15:24 9 A. It could have been.

15:24 10 Q. And if it were --

15:24 11 MS. JARIT: Objection, form.

15:24 12 Q. If it were her home, is that the reason that it
15:24 13 would have fallen under the jurisdiction of the
15:24 14 sheriff's office and not the police department that
15:24 15 reported to the hospital?

15:24 16 A. That would be one of the reasons why the Rio PD
15:24 17 called us out on that day, on the 11th of January.

15:24 18 Q. All right. And is that normal in the sense
15:24 19 that if you have, say, a victim of an assault who's
15:24 20 treated at the hospital, the fact that they're treated
15:24 21 at the hospital doesn't make that offense fall within
15:25 22 the jurisdiction of where the hospital is at, right?

15:25 23 A. No, it does not.

15:25 24 Q. Okay. The determining factor is where the
15:25 25 offense would have occurred?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:25 1 A. The offense occurred, yes.

15:25 2 Q. All right. Do you recall Investigator Muniz
15:25 3 ever telling you, "We can't continue with this
15:25 4 investigation"?

15:25 5 A. I don't remember her saying that.

15:25 6 Q. Do you remember ever being in a conversation
15:25 7 with the district attorney's office where Investigator
15:25 8 Muniz said to ADA Barrera, "You can't prosecute this
15:25 9 case," or something to that effect?

15:25 10 A. I wouldn't remember.

15:26 11 Q. Okay. Did ADA Barrera tell you to interview
15:26 12 Ms. Torres?

15:26 13 A. No.

15:26 14 Q. Did anybody from the district attorney's office
15:26 15 reach out prior to you going to the hospital and
15:26 16 beginning the investigation and tell you who you needed
15:26 17 to talk to first?

15:26 18 MS. JARIT: Objection, compound question.

15:26 19 Q. Did you understand my question, sir?

15:26 20 A. Can you rephrase that, please?

15:26 21 Q. Sure.

15:26 22 MS. ALBIN: Court reporter, do you mind
15:26 23 reading that back, please.

15:26 24 (Requested portion was read back.)

15:26 25 A. I don't remember.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:28 1 A. Yes.

15:28 2 Q. And did that include a person, even an unborn
15:28 3 person?

15:28 4 A. Yes.

15:28 5 Q. All right. And was this definition
15:28 6 something -- this definition from the Penal Code
15:28 7 something that you ever discussed with Investigator
15:28 8 Muniz?

15:28 9 A. Yes.

15:28 10 Q. So you do recall having conversations
15:28 11 specifically about sections of the Penal Code related
15:28 12 to this case?

15:28 13 A. Some of them, yes.

15:28 14 Q. All right. And the ones you remember were
15:28 15 about the definition of an individual, correct?

15:28 16 A. Yes.

15:29 17 MS. ALBIN: Pass the witness.

15:29 18 EXAMINATION

15:29 19 BY MS. HARRIS:

15:29 20 Q. Mr. Aguirre, you just testified, and correct me
15:29 21 if I'm wrong, that your understanding of this case when
15:29 22 it came in was that it was about the death of an
15:29 23 individual; is that correct?

15:29 24 A. Yes.

15:29 25 Q. What gave you that impression?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:29 1 A. That there was the death of an individual? We
15:29 2 were called to the hospital because a -- an unborn
15:29 3 child had been deceased at the hospital, and the
15:30 4 initial information was that the mother had caused
15:30 5 the -- the death.

15:30 6 Q. Prior -- prior to birth, correct?

15:30 7 A. Yes.

15:30 8 Q. So what -- what made that different than any
15:30 9 other abortion?

15:30 10 A. It isn't. It's an abortion. It's -- it's the
15:30 11 death of an individual.

15:30 12 Q. Okay. And did you ask the DA's office whether
15:30 13 a fetus was an individual under the law?

15:30 14 A. I don't recall asking that question
15:30 15 specifically.

15:30 16 Q. Do you remember discussing that with the DA's
15:30 17 office?

15:30 18 A. I do not remember specifically. I know that I
15:30 19 looked up the definition myself.

15:30 20 Q. And are you -- did you decide on your own that
15:30 21 it was an individual under the law?

15:30 22 A. If that's what the Texas Penal Code said.

15:31 23 Q. Did you discuss the definition of "individual"
15:31 24 with anyone else?

15:31 25 A. I believe that we discussed it with Ms. Muniz.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

15:31 Ms. Muniz was part of the discussion.

15:31 Q. And who else?

15:31 A. I don't recall who else it would be.

15:31 Q. But you know that you discussed it with -- or
15:31 do you know that you discussed it with the DA's office?

15:31 A. It must have been at one point or another.

15:31 That's part of my notes. And I note that's what I did
15:31 that day. I wrote it down for self -- my self note to
15:31 actually look up the definition of "individual."

15:31 Q. Did you -- do you usually take notes about your
15:31 conversation with the DA's office?

15:32 A. No, I don't.

15:32 Q. So just because there aren't notes of your
15:32 meetings with the DA's office, that doesn't mean they
15:32 didn't happen, correct?

15:32 MS. ALBIN: Is that a question? Okay.

15:32 A. We had meetings with the -- with the DA's
15:32 office, with Ms. -- I don't know if it was Ms. Barrera
15:32 or Mr. Villarreal, but -- I don't recall specifically
15:32 who. But, yeah, in those meetings, I don't take notes.
15:32 It was just conversation. I take notes when it's a
15:32 witness.

15:32 Q. Did you ever look up Section 19.06 of the
15:32 homicide statute?

15:32 A. If I did, I would not be able to tell you if I

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366